

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

J. RON WRIGHT,
IN HIS CAPACITY AS ADMINISTRATOR
of the Estate of TERRY LEE RICHARD, JR.,

Plaintiff,

v.

SBA COMMUNICATIONS CORP.,
SBA TOWERS, LLC, SBA
INFRASTRUCTURE, LLC,
SBA NETWORK SERVICES, LLC,
FDH VELOCITEL, FDH ENGINEERING, INC.,
FDH INNOVATION and FDH, INC.,

CIVIL ACTION NO. 1:15-CV-205

(consolidated for discovery purposes with
Civil Action Nos. 1:15-CV-204, 1:15-CV-206,
1:15-CV-207, 1:16-CV-228, and 1:16-CV-24)

Defendants,

and

FDH, INC., now known as KCHM, INC., and
FDH ENGINEERING, INC., now known as
KCHM and ASSOCIATES, INC.,

Third-Party Plaintiffs,

v.

S&S COMMUNICATION SPECIALISTS, INC.,
THE ESTATE OF KYLE KIRKPATRICK,
JERRY HILL and RANDALL McELHANEY,

Third-Party Defendants.

and

VELOCITEL, INC. d/b/a FDH VELOCITEL,

Third-Party Plaintiff,

v.

THE ESTATE OF KYLE KIRKPATRICK,
JERRY HILL and RANDALL McELHANEY,

Third-Party Defendants.

NOTICE OF COMPLIANCE WITH COURT'S DIRECTIVE

The Defendants, KCHM, Inc. f/k/a FDH, Inc. and KCHM and Associates, Inc. f/k/a FDH Engineering, Inc. ("FDH Entities"), hereby give notice to all parties that they have complied with the Court's verbal directive during the August 22, 2018 hearing. Pursuant to said directive, the

FDH Entities have submitted the subject Escrow Agreement as directed by the Court (unredacted version submitted to the Court for *in camera* review, and redacted version submitted to counsel for the Plaintiffs).

Respectfully submitted the 23rd day of August, 2018.

**Defendants, KCHM, INC. f/k/a FDH, INC.
and KCHM AND ASSOCIATES, INC. f/k/a
FDH ENGINEERING, INC.,
By Counsel:**

/s/ Stanley A. Heflin, III

James A. Varner, Sr. (WV State Bar #3853)
Debra Tedeschi Varner (WV State Bar #6501)
Stanley A. Heflin III (WV State Bar #12745)

Empire Building - 400 West Main Street
P. O. Drawer 2040
Clarksburg, WV 26302-2040
Telephone: (304) 626-1100
Facsimile: (304) 623-3035

McNeer, Highland, McMunn & Varner, L.C.,
Of Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

J. RON WRIGHT,
IN HIS CAPACITY AS ADMINISTRATOR
of the Estate of TERRY LEE RICHARD, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 1:15-CV-205

SBA COMMUNICATIONS CORP.,
SBA TOWERS, LLC, SBA
INFRASTRUCTURE, LLC,
SBA NETWORK SERVICES, LLC,
FDH VELOCITEL, FDH ENGINEERING, INC.,
FDH INNOVATION and FDH, INC.,

(consolidated for discovery purposes with
Civil Action Nos. 1:15-CV-204, 1:15-CV-206,
1:15-CV-207, 1:16-CV-228, and 1:16-CV-24)

Defendants,

and

FDH, INC., now known as KCHM, INC., and
FDH ENGINEERING, INC., now known as
KCHM and ASSOCIATES, INC.,

Third-Party Plaintiffs,

v.

S&S COMMUNICATION SPECIALISTS, INC.,
THE ESTATE OF KYLE KIRKPATRICK,
JERRY HILL and RANDALL McELHANEY,

Third-Party Defendants.

and

VELOCITEL, INC. d/b/a FDH VELOCITEL,

Third-Party Plaintiff,

v.

THE ESTATE OF KYLE KIRKPATRICK,
JERRY HILL and RANDALL McELHANEY,

Third-Party Defendants.

CERTIFICATE OF SERVICE

This is to certify that on the 23rd day of August, 2018, the undersigned counsel served the foregoing "**NOTICE OF COMPLIANCE WITH COURT'S DIRECTIVE**" upon counsel of record via one or more of the following methods: (1) electronic notification through the Court's

CM/ECF system; and/or (2) facsimile, and/or (3) depositing true copies in the United States Mail, postage prepaid, in envelopes addressed as follows:

Damon L. Ellis, Esquire
Jonathan R. Mani, Esquire
Mani Ellis & Layne, PLLC
P.O. Box 1266
Charleston, WV 25325-1266
Counsel for Plaintiff,
Randall McElhaney, and Co-Counsel for Plaintiffs J. Ron Wright, in his capacity as Administrator of the Estate of Terry Lee Richard, Jr., and Jerry Hill

Allan N. Karlin, Esquire
Jane E. Peak, Esquire
Allan N. Karlin & Associates
174 Chancery Row
Morgantown, WV 26505
Counsel for Plaintiff, Autumn Kirkpatrick, in her capacity as Administratrix of the Estate of Kyle Kirkpatrick and Co-Counsel for Plaintiffs, J. Ron Wright, in his capacity as Administrator of the Estate of Terry Lee Richard, Jr., Jerry Hill

John R. Angotti, Esquire
David J. Straface, Esquire
Angotti & Straface
274 Spruce Street
Morgantown, WV 26505
Counsel for Plaintiff, True Knowledge Ministries International (TKMI)
(Civil Action No. 1:16-CV-24, only)

Peter T. DeMasters, Esquire
Flaherty Sensabaugh Bonasso PLLC
48 Donley Street, Suite 501
Morgantown, WV 26501
Co-Counsel for Defendant and Third-Party Plaintiff, Velocitel, Inc. d/b/a FDH Velocitel
(in Civil Action Nos. 1:15-CV-204, 1:15-CV-205, 1:15-CV-206, 1:15-CV-207 and 1:16-CV-24, only)

Philip J. Sbrolla, Esquire
Matthew C. Schrebe, Esquire
Cipriani & Werner, P.C.
1144 Market Street, Suite 300
Wheeling, WV 26003
Counsel for Defendants, SBA
Communications Corporation d/b/a SBA Network Services, LLC, SBA Towers, LLC, SBA Towers, Inc., and SBA Infrastructure, LLC, and Plaintiffs, SBA Telecommunications, LLC, as successor in interest to SBA Telecommunications, Inc. and SBA Towers, LLC

Paul D. Krepps, Esquire
Marshall Dennehey Warner
Coleman & Goggin
600 Grant Street, Suite 2900
Pittsburgh, PA 15219
Counsel for Third-Party Defendant, S&S Communication Specialists, Inc.
(in Civil Action Nos. 1:15-CV-228 and 1:16-CV-24, only)

S&S Communication Specialists, Inc.
418 West Main
Hulbert, OK 74401
Third-Party Defendant
(no longer represented by counsel in Civil Action Nos. 1:15-CV-204, 1:15-CV-205, 1:15-CV-206 and 1:15-CV-207)

James W. Harvey, Esquire
Margolis Edelstein
535 Smithfield Street, Suite 1100
Pittsburgh, PA 15222
Counsel for Third-Party Defendants, Randall McElhaney; The Estate of Terry Lee Richard, Jr.; The Estate of Kyle Kirkpatrick; and, Jerry Hill

/s/ Stanley A. Heflin, III